

NO. PD-0478-20

IN THE COURT OF CRIMINAL
APPEALS OF TEXAS

FILED
COURT OF CRIMINAL APPEALS
10/8/2020
DEANA WILLIAMSON, CLERK

**ROBERT F. HALLMAN,
APPELLANT**

V.

**THE STATE OF TEXAS,
APPELLEE**

*From the Court of Appeals for the Second District of Texas
02-18-00434-CR*

*Appeal in Cause No. 1548964R in Criminal District Court No. 1 of Tarrant
County, Texas, the Hon. Sheila Wynn presiding over voir dire; the Hon. Keith
Dean presiding over guilt/innocence; the Hon. Elizabeth Beach presiding over
pretrial and punishment*

**MOTION FOR EXTENSION OF TIME
TO FILE STATE'S BRIEF**

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TO THE HONORABLE COURT OF CRIMINAL APPEALS:

The State files this unopposed Motion for Extension of Time to File State's Brief ("Motion") and in support thereof would show as follows:

I. Background

The trial court is Criminal District Court No. 1 of Tarrant County, Texas, the Hon. Elizabeth Beach, presiding. The style of the case in the trial court is *State v. Robert F. Hallman*. The trial court cause number is No. 1548964R.

Respondent was found guilty of two counts of aggravated sexual assault, three counts of indecency with a child by contact, and one count of sexual assault of a child under 17. [CR 234-40]. Respondent was sentenced to life in prison. Respondent is currently incarcerated.

Respondent timely filed his notice of appeal in the Second Court of Appeals on September 20, 2019, contesting the trial court's denial of his motion for mistrial under *Brady*. [CR 114]. On May 7, 2020, Justice Sudderth, writing the opinion for the panel in the Court of Appeals for the Second District of Texas, reversed and remanded the trial court's order denying the motion for mistrial. *Hallman v. State*, --S.W.3d--, No. 02-18-00434-CR, 2020 WL 2201908 (Tex. App.—Fort Worth May 7, 2020). The State did not file a motion for rehearing or en banc reconsideration.

The State filed its Petition for Discretionary Review on July 27, 2020. This Court granted the State's petition on September 30, 2020.

II. Due Date

The State's Brief is currently due on October 30, 2020. The State seeks an additional 30 days to file its Brief until November 30, 2020. No previous extension of time has been sought.

III. Reason for Extension of Time

Counsel is actively involved in other pending matters that conflict or potentially conflict with the current deadline, including:

- Briefing in *Nowden v. State*, No. 02-20-00098-CR, in the Court of Appeals for the Second District of Texas, due on October 15, 2020.

IV. Extension Sought in the Interest of Justice

This extension is not sought for the purpose of delay, but rather is sought in the interest of justice and judicial economy. Granting the Motion will not significantly delay submission of the cause.

V. Prayer

WHEREFORE, PREMISES CONSIDERED, the State requests the Court grant the Motion and extend the time to file the State's Brief by thirty (30) days until November 30, 2020.

Respectfully submitted,

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JOSEPH W. SPENCE

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Chief, Post-Conviction

/s/ SHELBY J. WHITE

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CERTIFICATE OF CONFERENCE

On October 6, 2020, the undersigned counsel conferred with Lisa Mullen who has indicated that she does not oppose the Motion.

/s/ SHELBY J. WHITE

SHELBY J. WHITE

CERTIFICATE OF SERVICE

On the 7th day of October, 2020, a true copy of the State's Motion for Extension of Time to File State's Brief has been e-served on the parties below:

Lisa Mullen
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Fort Worth, Texas 76116
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State Prosecuting Attorney's Office

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/s/ SHELBY J. WHITE
SHELBY J. WHITE

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Haley Little on behalf of Shelby White
Bar No. 24084086
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Envelope ID: 46962954
Status as of 10/8/2020 8:36 AM CST

Associated Case Party: ROBERT HALLMAN

Name	BarNumber	Email	TimestampSubmitted	Status
Lisa Mullen	3254375	Lisa@mullenlawoffice.com	10/7/2020 11:47:31 AM	SENT

Case Contacts

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Stacey Soule	24031632	information@spa.texas.gov	10/7/2020 11:47:31 AM	SENT